Previous references.

190 1901-2
(police)

File No. 59 of 02
Serial Nos. 1-2.

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-2

Major Part B. for March 02.

SUBJECT.

Investiture of ~~Jamadars~~ police Inspectors of Manjarabad Taluk with the power to search under the Mysore Arms regulation.

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1. From the DC Nagle of Hassan DC
Dy. no: 11141/J 1319 No: 384/S of 24/2/02

Submits copy of letter from Sub-Dn officer of Saklespur in the matter of conducting Searches under the Mysore Arms Regulation and Requests to empower Jamadars to conduct Searches.

2. To the compiler, To the DC Nagle Hassan, To, I.G. of Pol. No. 15535-7/J1334-6 of 18/3/02.

G. R. S. 58

Empowers police Inspectors of Manjarabad Taluk to conduct Searches under S. 2a and directs that Searches shall be made in the presence

a map to the Police Inspector of Mayaraband Taluk and Notify this for publication forward a copy to the D.C. Magte of Hassan and a copy to the D. S of police.

Indeed. B Venkatasubbiah

Note

Subject: Searches under rule
Mysore Arms Regulation

Last Reference -
Letter No 384 dated
24th February 1992 from
the Deputy Comr, Hassan
District.

Under the last clause
of section 20 of the
Mysore Arms Regulation
No VI of 1890, the search
of a house or premises
in which arms etc, are
kept unlawfully, shall
be conducted by, or
in the presence of, a
Magistrate, or by, or in
the presence of some
officer, specially empowered
in this behalf by name
or in virtue of his office
by the Government of
Mysore.

M. B.

2. With his letter above
referred to, the Dy Comr
of Hassan forwarded

Re copy of letter from
the Sub Division Magistrate
Tekkeopur, bringing to notice
the inconvenience the
Amilban - Magistrate,
who has already mani-
fold duties to discharge,
is put to by having
to go and to the Spot
in every case in which
a search has to be
conducted for fire-
arms, ammunition etc
and requesting that
Police officers of and
above the rank of
Jemadars, may be
empowered to Conduct
the same upon warrants
issued by Magistrates
having jurisdiction
over the territorial limits
in which the premises
to be searched are situated
So as to obviate the
necessity of a Magistrate
presence in every such
Case.

3. The District Magistrate ~~further~~ states that under the Criminal Procedure Code, Police Jemadars are entrusted with the power of executing Search warrants, and that there is no reason why they should not be similarly authorized under the Arms Regulation.

The point for orders is whether under the latter part of the last clause of Sec. 20 of the Mysore Arms Regulation, 25 above referred to, "Police officers, of and above the rank of Jemadars, should be empowered to conduct searches under sections 20 & 25 of that Regulation".

Submitted for orders.

Sd. 6/3/02 A reference to p. 65 of Chitty's Cri. Pro Code shows that a search under the Indian Arms Act (XI of 1878)

may in Bengal be conducted in the presence of "all Magistrates and Police-officers not below the rank of Inspectors," who have been appointed in virtue of their offices to exercise this power; & in the Chittagong Division this order has been extended to Police-officers not below the rank of Sub-Inspectors.

Draft reply put up for appl.

I.

Submitted to the Dewan

6/8/1902

The number of cases given in the Sub-Div. Officer's letter is very large and quite exceptional. The new Game rules seems to have made the game Assistants and other interested in sport Planters (probably all [illegible]) extraordinarily active in the matter. Normally however the cases are not likely to be many. I am doubtful whether the extension recommended is quite

GOVERNMENT OF MYSORE

necessary. In such a small tract, it may be invidious to make local distinctions. Perhaps, the Power may be extended only to Police Inspectors throughout the State.

3723
RD 10.3.02

10/3

3976

Why a not-cognizable remedy where a clear wrong is necessarily taken place. Should the Power be delegated to the Sarkleshpur Taluq —

11.III.02

or in such cases as are specially asked for.

D.A.

Issue Hukm
7/8/3

Submitted with a draft notification. Sarkleshpur seems to be nearer the Hd Quarters of the Range and the Taluk, than the Taluk

being known as the Kanjarwad
Zahirk. Excepting the
Dt Magistrate of Thana
nobody else seems to
have applied for such
empowering.

Extend only to Dt Insp-
Manjarabad.

17/3

OFFICE OF THE
11141
FEB 27 1901
J 1319
SORE.

1901. 1902

FROM
D. Devaraj Urs Esq
District Magistrate,
Hassan District.

To
The V. Nanjundaya Esq M.A. M.L.
Secretary to the Mysore
General & Rev. Departments.

SECTION police
FILE No. 59 of 01-2
SERIAL No. 1

Dated 24th
Despatched 25th } February 1902
Received

General No. 384
No. J.

Enclosure No. One.

Subject

Submitting copy of letter from the Sub Division officer and Inspector La Klerfie in the matter of conducting Sri Anchu under the Mysore Arms Regulation and requesting to move Government to empower Police Jamadars &c to conduct the Sanction

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To Govt
Secretary
26.2.
Please put up a copy of the Arms Reg. No. VII of 1901
Sri Anchu Pleader
Put up Rs 3/- 27/2/02
Rec'd 6/4/02
Submitted 6/3/02

No 384

District Magistrates office
Hassan District
Dated, Hassan 24 February 1902.
25

From

D. Devaraj Urs Cognice
District Magistrate
Hassan District -

To

H. V. Nanjundayya Cognice
M.A. and Mk.
Secretary to the Govt of Mysore
Genl and Rev. Departments

Sir,

I have the honor to forward herewith Copy of letter no. 88 of the 7th instant received from Mr. P. R. H. Wetherall Sub Divisional Magistrate, Sakleshpur in the matter of conducting searches under the Mysore Arms Regulation and to request that under the circumstances stated therein which must necessarily hamper the work of Amildar Magistrates who have already manifold duties to discharge, You will be so good as to make Government to empower Police officers of and above the rank of Jamedars to conduct the

same

same upon warrants issued by Magistrates having jurisdiction.

2. — Under the Criminal Procedure Code Police Jamadars are entrusted with the power of executing Search warrants and I do not see why they may not be similarly authorized under the Arms Regulation particularly in the peculiar circumstances brought to notice by the Sub Division Magistrate.

I have the honor to be
Sir
Your Most obedient Servant

District Magistrate
Hassan District

Enclosure 651. 4.

Sub Division Magistrate's Office
Saklespur.
Dated 7th February 1902.

From P. R. W. Wetherall Esquire
Sub-Division Magistrate
Saklespur

To D. Devaraj Urs Esquire
District Magistrate
Hassan.

Sir,

I have the honor to bring to your notice that since the passing of the Mysore Game and Fish Preservation Regulation II of 1901 and the formation of the Game and Fish Preservation association in this Sub-Division the Honorary Secretary of this Association has been from time to time furnishing this office the names of persons against whom he received information of possessing guns without licenses under the Mysore Arms Regulation VI of 1890.

2. —— As Offences under the Arms Regulation are triable only by a Magistrate of

of the 1st Class (Vide Section 29 Criminal Procedure Code) I have to try all such cases arising in this Sub-Division, and consequently I have to refer all such informations furnished by the Honorary Secretary of the Association to the Amildar Magistrate Convened for needful action under Section 10 of the Regulation, which requires that all such Searches "shall be conducted by or in the presence of a Magistrate or by or in the presence of some officer specially empowered in this behalf by name or in virtue of his office by the Government of Mysore". I also invite reference to Section 25 of the Regulation regarding Searches conducted under Section 14 Clause (c). As it does not appear that Government have specially empowered any such officer, every Search has to be conducted by or in the presence of a Magistrate, and under the circumstances above mentioned this necessitates the Amildar Magistrate proceeding to the spot in every instance in which the Search of a House has to be Conducted

1. —

fire-arms, ammunition &c.

3. In Manjaralad Taluk especially the number of these persons thus informed against by the Honorary Secretary of the Association is very large, no less than fifty-five names having been sent in as persons possessing guns without licenses between the 18th July 1901 and the 25th January 1902. The Amildar Magistrate with his multifarious duties cannot keep pace with this increasing extra work without neglecting his other duties both as Revenue Officer and Magistrate.

4. — I therefore recommend that Government be moved to empower Police officers of and above the rank of Jamadar to conduct searches under Sections 20 and 25 of the Arms Regulation upon issue of search warrants by any Magistrate having jurisdiction over the territorial limits in which the premises to be searched is situated so as to obviate the necessity of a Magistrate's presence at every such search

5. — Should it be considered inadvisable to extend such provision throughout the Mysore State, I would recommend that it be extended to the two Talukks of this Sub Division and such other Malnad Talukks of the State as may be deemed fit, since the number of Guns possessed by inhabitants of Malnad Talukks are much more numerous than those of Maidan Talukks.

I have &c.

(Signed) P. R. W. Wetherall
Sub Division
Magistrate, Sakleshpur

"Copy"

D'Cruz
District Magistrate
Hassan

115

The following Regulation received the assent of His Highness the Maharaja on the fifth day of December 1890, and is hereby promulgated for general information :—

REGULATION NO. VI OF 1890.

A Regulation to consolidate and amend the law relating to Arms, Ammunition and Military Stores.

Preamble.

WHEREAS it is expedient to consolidate and amend the law relating to arms, ammunition and Military stores; His Highness the Maharaja is pleased to enact as follows :—

I. Preliminary.

Short title.
Local extent.

1. This Regulation may be called "The Mysore Arms Regulation, 1890," and it extends to the whole of the Territories of Mysore.

Savings.

But nothing herein contained shall apply to the manufacture, conversion, sale, transport, bearing or possession of arms, ammunition or Military stores by order of the Government, or by a public servant or a volunteer enrolled under the Indian Volunteer's Act, 1869, in the course of his duty as such public servant or volunteer.

Commencement.

2. This Regulation shall come into force at once.

Repeal of Enactments.

3. Act No. XI of 1878 (the Indian Arms Act, 1878) shall be repealed. But all authorities and permissions given, licenses and exemptions granted, orders and appointments made, notifications published, and rules, conditions, and forms prescribed under that Act shall be deemed to be respectively given, granted, made, published and prescribed under this Regulation.

And all such authorities, permissions, licenses and exemptions shall, except as otherwise provided by this Regulation, continue in force for the periods for which they may have been given or granted respectively, or where no such period is expressly fixed, for one year from the date on which this Regulation comes into force, and shall then cease to have effect.

Interpretation-clause.

4. In this Regulation unless there be something repugnant in the subject or context —

"Cannon" includes also all howitzers, mortars, wall pieces, mitraillenses and other ordnance and machine-guns, all parts of the same, and all carriages, platforms, and appliances for mounting, transporting and serving the same:

"Arms" includes fire-arms, bayonets, swords, daggers, spears, spear-heads and bows and arrows, also cannon and parts of arms, and machinery for manufacturing arms:

"Ammunition" includes also all articles specially designed for torpedo service and submarine mining, rockets, guncotton, dynamite, lithotracteur and other explosive or fulminating material, gunflints, gunwards, percussion caps, fuses and friction tubes, all parts of ammunition and all machinery for manufacturing ammunition, but does not include lead, sulphur or saltpetre:

"Military Stores" in any section of this Regulation as applied to any part of the Territories of Mysore means any Military stores to which the Government of Mysore may from time to time by notification in the Official Gazette specially extend such section in such part, and includes also all lead, sulphur, saltpetre and other material to which the Government of Mysore may from time to time so extend such section:

"License" means a license granted under this Regulation, and "licensed" means holding such licen

5. No person shall manufacture, convert, sell, any arms, ammunition or Military stores except under a license and in the manner and to the extent permitted thereby.

Unlicensed manufacture, conversion and sale prohibited.

Nothing herein contained shall prevent any person from selling any arms or ammunition which he lawfully possesses for his own private use to any person who is not by any enactment for the time being in force prohibited from possessing the same; but every person so selling arms or ammunition to any person other than a person entitled to possess the same by reason of an exemption under Section 22 of this Regulation shall, without unnecessary delay, give to the Magistrate of the district or to the officer in charge of the nearest Police station notice of the sale and of the purchaser's name and address.

Power to prohibit transport.

6. The Government of Mysore may, from time to time by notification in the Official Gazette—

(*a*) regulate or prohibit the transport of any description of arms, ammunition or Military stores over the whole of the Territories of Mysore or any part thereof, either altogether or except under a license and to the extent and in the manner permitted by such license, and

(*b*) cancel any such notification.

Arrest of persons conveying arms, &c., under suspicious circumstances.

7. When any person is found carrying or conveying any arms, ammunition or Military stores, whether covered by a license or not, in such manner or under such circumstances as to afford just grounds of suspicion that the same are being carried by him with intent to use them, or that the same may be used for any unlawful purpose, any person may without warrant apprehend him and take such arms, ammunition or Military stores from him.

Any person so apprehended and any arms, ammunition or Military stores so taken by a person not being a Magistrate or Police officer shall be delivered over as soon as possible to a Police officer.

Procedure where arrest made by person not a Magistrate or a Police officer.

All persons apprehended by, or delivered to, a Police officer and all arms and ammunition seized by or delivered to any such officer under this section shall be taken without unnecessary delay before a Magistrate.

III. Going armed and Possessing arms, &c.

Prohibition of going armed without license.

8. No person shall go armed with any arms except under a license and to the extent and in the manner permitted thereby.

Any person so going armed without a license or in contravention of its provisions may be disarmed by any Magistrate, Police officer or other person empowered by the Government of Mysore in this behalf by name or by virtue of his office.

Unlicensed possession of fire-arms, &c.

9. No person shall have in his possession or under his control any cannon or fire-arms or any ammunition or Military stores except under a license and in the manner and to the extent permitted thereby.

Possession of arms of any description without license prohibited in certain places.

10. In any place to which the Government of Mysore may, by notification in the Official Gazette, specially extend this section, no person shall have in his possession any arms of any description except under a license and in the manner and to the extent permitted thereby.

Arms of which possession has become unlawful to be deposited at Police station.

11. Any person possessing arms, ammunition or Military stores, the possession whereof by him has, in consequence of the cancellation or expiry of a license or by the issue of a notification under Section 10, become unlawful, shall deposit the same without unnecessary delay with the officer in charge of the nearest Police station.

If the owner of any thing deposited under this section does not within three years from the date on which such thing is so deposited produce a license authorizing him to possess the same and apply for delivery of the same, such thing shall be

IV. Licenses.

Power to make rules as to licenses.

12. The Government of Mysore may, from time to time, by notification in the Official Gazette, make rules to determine the officers by whom, the form in which, and the terms and conditions on and subject to which, any license shall be granted; and may by such rules among other matters—

(*a*) fix the period for which such license shall continue in force;

(*b*) fix a fee payable by stamp or otherwise in respect of any such license granted other than a license for possession;

(*c*) direct that the holder of any such license other than a license for possession shall keep a record or account in such form as the Government of Mysore may prescribe of anything done under such license, and exhibit such record or account when called upon by an officer of Government to do so;

(*d*) empower any officer of Government to enter and inspect any premises in which arms, ammunition or Military stores are manufactured or kept by any person holding a license of the description referred to in Section 5;

(*e*) direct that any such person shall exhibit the entire stock of arms, ammunition and Military stores in his possession or under his control to any officer of Government so empowered; and

(*f*) require the person holding any license or acting under any license to produce the same, and to produce or account for the arms, ammunition or Military stores covered by the same when called upon by an officer of Government so to do.

Cancelling and suspension of license.

13. Any license may be cancelled or suspended—

(*a*) by the officer by whom the same was granted, or by any authority to which he may be subordinate, or by any Magistrate of a District within the local limits of whose jurisdiction the holder of such license may be, when, for reasons to be recorded in writing, such officer, authority or Magistrate deems it necessary for the security of the public peace to cancel or suspend such license; or

(*b*) by any Judge or Magistrate before whom the holder of such license is convicted of an offence against this Regulation, or against the rules made under this Regulation; and

the Government of Mysore may at its discretion by a notification in the Official Gazette cancel or suspend all or any licenses throughout the whole or any portion of the Territories of Mysore.

V. Penalties.

For breach of Sections 5,6,8 to 12.

14. Whoever commits any of the following offences, (namely)—

(*a*) manufactures, converts or sells, or keeps, offers or exposes for sale any arms, ammunition or Military stores in contravention of the provisions of Section 5;

(*b*) fails to give notice as required by the same section;

(*c*) transports any arms, ammunition or Military stores in contravention of a regulation or prohibition issued under Section 6;

(*d*) goes armed in contravention of the provisions of Section 8;

(*e*) has in his possession or under his control any arms, ammunition or Military stores in contravention of the provisions of Section 9 or Section 10;

(*f*) intentionally makes any false entry in a record or account which, by a rule made under Section 12, clause (*c*), he is required to keep;

(*g*) intentionally fails to exhibit anything which, by a rule made under Section 12, clause (*e*), he is required to exhibit; or

(*h*) fails to deposit arms, ammunition or Military stores, as required by Section 11;

shall be punished with imprisonment for a term which may extend to three years, or with fine, or with both.

15. Whoever, does any act mentioned in clause (*a*), (*c*) or (*e*) of Section 14, in such manner as to indicate an intention that such act may not be known to any public servant as defined in the Indian Penal Code, or to any person employed upon a Railway or to the servant of any public carrier,

For secret breaches of Sections 5, 6, 9 and 10.

and whoever, on any search being made under Section 20, conceals or attempts to conceal any arms, ammunition or Military stores,

For concealing arms, &c.

shall be punished with imprisonment for a term which may extend to seven years, or with fine, or with both.

16. Whoever, in violation of a condition subject to which a license has been granted, does or omits to do any act shall, when the doing or omitting to do such act is not punishable under Section 14 or Section 15, be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

For breach of license.

17. Whoever knowingly purchases any arms, ammunition or Military stores from any person not licensed or authorized under the proviso to Section 5 to sell the same; or

For knowingly purchasing arms, &c., from unlicensed person.

delivers any arms, ammunition or Military stores into the possession of any person without previously ascertaining that such person is legally authorized to possess the same,

For delivering arms, &c., to person not authorized to possess them.

shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

18. Any person violating any rule made under this Regulation, and for the violation of which no penalty is provided by this Regulation, shall be punished with imprisonment for a term which may extend to one month, or with fine which may extend to two hundred rupees, or with both.

Penalty for breach of rule.

19. When any person is convicted of an offence punishable under this Regulation committed by him in respect of any arms, ammunition or Military stores, it shall be in the discretion of the convicting Court or Magistrate further to direct that the whole or any portion of such arms, ammunition or Military stores, and any cart or baggage animal used to convey the same, and any box, package or bale in which the same may have been concealed, together with the other contents of such box, package or bale, shall be confiscated.

Power to confiscate.

VI. Miscellaneous.

20. Whenever any Magistrate has reason to believe that any person residing within the local limits of his jurisdiction has in his possession any arms, ammunition or Military stores for any unlawful purpose,

Search and seizure by Magistrate.

or that such person cannot be left in the possession of any such arms, ammunition or Military stores without danger to the public peace,

such Magistrate, having first recorded the grounds of his belief, may cause a search to be made of the house or premises occupied by such person, or in which such Magistrate has reason to believe such arms, ammunition or Military stores are or is to be found, and may seize and detain the same although covered by a license, in safe custody for such time as he thinks necessary.

The search in such case shall be conducted by, or in the presence of, a Magistrate or by or in the presence of some officer, specially empowered in this behalf by name or in virtue of his office by the Government of Mysore.

21. The Government of Mysore may at any time order or cause to be seized any arms, ammunition or Military stores in the possession of any person notwithstanding that such person is licensed to possess the same, and may detain the same for such time as it thinks necessary for the public safety.

Seizure and detention by Government.

Power to exempt.

22. The Government of Mysore may, from time to time by notification published in the Official Gazette—

(a) exempt any person by name or in virtue of his office or any class of persons or exclude any description of arms or ammunition or withdraw any part of the Territories of Mysore from the operation of any prohibition or direction contained in this Regulation; and

(b) cancel any such notification and again subject the persons or things or the part of the Territories of Mysore comprised therein to the operation of such prohibition or direction.

Information to be given regarding offences.

23. Every person aware of the commission of any offence punishable under this Regulation shall, in the absence of reasonable excuse, the burden of proving which shall lie upon such person, give information of the same to the nearest Police officer or Magistrate, and

every person employed upon any Railway or by any public carrier shall, in the absence of reasonable excuse, the burden of proving which shall lie upon such person, give information to the nearest Police officer regarding any box, package or bale in transit which he may have reason to suspect contains arms, ammunition or Military stores in respect of which an offence against this Regulation has been or is being committed.

Sanction required to certain proceedings under Section 14, clause (e).

24. Where an offence punishable under Section 14, clause (e), has been committed in any part of the Territories of Mysore, no proceedings shall be instituted against any person in respect of such offence without the previous sanction of the Magistrate of the District.

Searches in the case of offences against Section 14, clause (e), how conducted.

25. Where a search is to be made under the Code of Criminal Procedure in the course of any proceedings instituted in respect of an offence punishable under Section 14, clause (e), such search shall, notwithstanding anything contained in the said Code, be made in the presence of some officer specially appointed by name or in virtue of his office by the Government of Mysore in this behalf, and not otherwise.

Operation of other laws not barred.

26. Nothing in this Regulation shall be deemed to prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence against this Regulation or the rules made under it, or from being liable under such other law to any higher punishment or penalty than that provided by this Regulation; Provided that no person shall be punished twice for the same offence.

Power to take census of fire-arms.

27. The Government of Mysore may, from time to time by notification in the Official Gazette, direct a census to be taken of all fire-arms in any local area, and empower any person by name or in virtue of his office to take such census.

On the issue of any such notification, all persons possessing any such arms in such area shall furnish to the person so empowered such information as he may require in reference thereto, and shall produce such arms to him if he so requires.

Any person refusing or neglecting to produce any such arms when so required, shall be punished with imprisonment for a term which may extend to one month, or with fine which may extend to two hundred rupees, or with both.

Notice and limitation of proceedings.

28. No proceeding other than a suit shall be commenced against any person for anything done in pursuance of this Regulation, without having given him at least one month's previous notice in writing of the intended proceeding and of the cause thereof, nor after the expiration of three months from the accrual of such cause.

K. SHESHADRI IYER,

Dewan of Mysore.

GOVERNMENT MYSORE
SECTION Police

FILE No. 59 0401 2

SERIAL No. 2

Notification

In exercise of the powers conferred by the Arms Regulation VI of 1890 the Govt are pleased to empower the Police Inspector of the Nanjanbad Taluk to conduct searches under S. 20 and to direct that searches within the Nanjanbad Taluk, under the circumstances referred to in S. 25, shall be made in the presence of a Magistrate or the Police Inspector of the Nanjanbad Taluk

15535 D 18/3/02
E.1334 / 18/3/02.

Secy to the Commissioner Mysore

Gazette

The Ot. Mag. Malay — J. 15536/1335 — 28/3/02

Hassan with reference
to his letter No. 304 of
24.1.02

The Inspector General
of Police — J. 15537/1336 — 28/3/02